

FEDERAL REGISTER

1934

VOLUME 4 NUMBER 18

Washington, Friday, January 27, 1939

The President

EXECUTIVE ORDER

ESTABLISHING THE CABEZA PRIETA GAME RANGE

ARIZONA

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Subject to the conditions expressed in the above-mentioned acts and to all valid rights, the following-described lands, in so far as title thereto is in the United States, are hereby withdrawn from settlement, location, sale, or entry, and reserved and set apart for the conservation and development of natural wildlife resources, and for the protection and improvement of public grazing lands and natural forage resources: *Provided*, That nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws: *Provided further*, That any lands within the described area that are otherwise withdrawn or reserved will be affected hereby only in so far as may be consistent with the uses and purposes for which such prior withdrawal or reservation was made: *And provided further*, That upon termination of any private right to, or appropriation of, any public lands within the exterior limits of the area included in this order, or upon the revocation of prior withdrawals unless expressly otherwise provided in the order of revocation, the lands involved shall become a part of the preserve:

Gila and Salt River Meridian

Beginning at the corner common to unsurveyed Tps. 11 and 12 S., Rs. 16 and 17 W.

Thence easterly with the north boundary of unsurveyed T. 12 S., Rs. 16

to 9 W., inclusive, approximately 48 miles, to the corner common to unsurveyed Tps. 11 and 12 S., Rs. 8 and 9 W.;

Thence northerly with the west boundary of unsurveyed T. 11 S., R. 8 W., approximately 6 miles, to the corner common to unsurveyed Tps. 10 and 11 S., Rs. 8 and 9 W.;

Thence easterly with the north boundary of unsurveyed T. 11 S., Rs. 8 and 7 W., approximately 12 miles, to the northwest corner of T. 11 S., R. 6 W.;

Thence southerly with the west boundary of Tps. 11, 12, 13, and 14 S., R. 6 W., approximately 21 miles, to the corner of Secs. 18 and 19, T. 14 S., R. 6 W., and Secs. 13 and 24, unsurveyed T. 14 S., R. 7 W., in the north boundary of the Organ Pipe Cactus National Monument;

Thence following the north boundary of said Organ Pipe Cactus National Monument, westerly with the third latitudinal section line through unsurveyed T. 14 S., Rs. 7 and 8 W., to the corner of Secs. 15, 16, 21, and 22, unsurveyed T. 14 S., R. 8 W., which point is also the northwest corner of the Organ Pipe Cactus National Monument;

Thence following the west boundary of said Organ Pipe Cactus National Monument, southerly with the third meridional section line through unsurveyed Tps. 14, 15, 16, and 17 S., R. 8 W., approximately 17 miles to its intersection with the International Boundary between the United States and Mexico;

Thence northwesterly with said International Boundary, approximately 56 miles, to the west boundary of unsurveyed T. 14 S., R. 16 W.;

Thence northerly with the west boundary of unsurveyed Tps. 14, 13, and 12 S., R. 16 W., approximately 13 miles, to the place of beginning; excepting therefrom those parts of a strip of land 60 feet wide, lying along the International Boundary, reserved under the proclamation of May 27, 1907 (35 Stat. 2136).

SECTION 2. This range or preserve, so far as it relates to conservation and development of wildlife, shall be under the joint jurisdiction of the Secretaries of the Interior and Agriculture, and they

CONTENTS

THE PRESIDENT

Executive Orders:	Page
Cabeza Prieta Game Range, Ariz., establishment.....	437
Kofa Game Range, Ariz., establishment.....	438
Navy, payment of additional compensation to enlisted men of, specially qualified in use of arms.....	438

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:	
Agricultural Adjustment Administration:	
Wheat, 1939 county acreage allotments.....	439

NOTICES

Department of Agriculture:	
Agricultural Adjustment Administration:	
Agricultural conservation program bulletin, 1938, Supplement 21.....	453
Department of the Interior:	
National Bituminous Coal Commission:	
Distributors, maintenance and observance of prices and rules by; resumption of hearing.....	448
Federal Trade Commission:	
Huffman, Lawrence A., trading as Plant N-R-G Co., etc., order appointing examiner, etc.....	454
Securities and Exchange Commission:	
Applications granted to strike from listing and registration:	
Badger Paper Mills, Inc.....	454
Texas Pacific Land Trust.....	454
Wells, Fargo & Co., hearing postponed.....	454
Wheeling Steel Corp., unlisted trading privilege hearing.....	454



Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

shall have power jointly to make such rules and regulations for its protection, administration, regulation, and improvement, and for the removal and disposition of surplus game animals as they may deem necessary to accomplish its purposes and not inconsistent with State law, and the range or preserve being within a grazing district duly established pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), shall be under the exclusive jurisdiction of the Secretary of the Interior so far as it relates to the public grazing lands and natural forage resources thereof: *Provided, however,* That all the forage resources in excess of that required to maintain a balanced wildlife population within this range or preserve shall be available for domestic livestock under rules and regulations promulgated by the Secretary of the Interior under the authority of the aforesaid act of June 28, 1934, as amended: *And provided further,* That land within the exterior limits of the area herein described, hereafter acquired by the United States for the use of the Department of Agriculture for conservation of migratory birds in accordance with the Migratory Bird Conservation Act of February 18, 1929, 45 Stat. 1222, as amended by the Act of June 15, 1935, 49 Stat. 381, shall be, and remain under the exclusive administration of the Secretary of Agriculture and may be utilized for public grazing purposes only to such extent as may be determined by the said Secretary to be compatible with the utilization of said lands for the purposes for which they were acquired as aforesaid under regulations prescribed by him.

SECTION 3. This preserve shall be known as the Cabeza Prieta Game Range.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Jan 25, 1939

[No. 8038]

[F. R. Doc. 39-283; Filed, January 26, 1939; 12:25 p. m.]

EXECUTIVE ORDER

ESTABLISHING THE KOFA GAME RANGE ARIZONA

By virtue of and pursuant to the authority vested in me as President of the United States, and by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, it is ordered as follows:

SECTION 1. Subject to the conditions expressed in the above-mentioned acts and to all valid rights, the following-described lands, in so far as title thereto is in the United States, are hereby withdrawn from settlement, location, sale, or entry, and reserved and set apart for the conservation and development of natural wildlife resources, and for the protection and improvement of public grazing lands and natural forage resources: *Provided,* That nothing herein contained shall restrict prospecting, locating, developing, mining, entering, leasing, or patenting the mineral resources of the lands under the applicable laws: *Provided further,* That any lands within the described area that are otherwise withdrawn or reserved will be affected hereby only in so far as may be consistent with the uses and purposes for which such prior withdrawal or reservation was made: *And provided further,* That upon termination of any private right to, or appropriation of, any public lands within the exterior limits of the area included in this order, or upon the revocation of prior withdrawals unless expressly otherwise provided in the order of revocation, the lands involved shall become a part of the preserve:

GILA AND SALT RIVER MERIDIAN

Tps. 1 and 2 N., R. 15 W., all;
Tps. 1 and 2 N., Rs. 16 and 17 W. (unsurveyed), all;
Tps. 1 and 2 N., R. 18 W., all;
Tps. 1, 2, and 3 S., R. 15 W. (unsurveyed), all;
T. 4 S., R. 15 W., all;
Tps. 1, 2, and 3 S., R. 16 W. (unsurveyed), all;
T. 4 S., R. 16 W., all;
Tps. 1 to 5 S., inclusive, R. 17 W. (unsurveyed), all;
Tps. 1 to 5 S., inclusive, R. 18 W. (unsurveyed), all;
T. 2 S., R. 19 W. (unsurveyed), secs. 1, 2, and 3; secs. 10 to 15, inclusive; secs. 22 to 28, inclusive; and secs. 32 to 36, inclusive;
T. 3 S., R. 19 W. (unsurveyed), secs. 1 to 5, inclusive; secs. 8 to 17, inclusive; secs. 20 to 28, inclusive; and secs. 33 to 36, inclusive;
T. 4 S., R. 19 W. (unsurveyed), secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive;

T. 5 S., R. 19 W. (unsurveyed), secs. 1 to 4, inclusive; secs. 9 to 16, inclusive; secs. 21 to 28, inclusive; and secs. 33 to 36, inclusive.

SECTION 2. This range or preserve, so far as it relates to conservation and development of wildlife, shall be under the joint jurisdiction of the Secretaries of the Interior and Agriculture, and they shall have power jointly to make such rules and regulations for its protection, administration, regulation, and improvement, and for the removal and disposition of surplus game animals, as they may deem necessary to accomplish its purposes and not inconsistent with State law, and the range or preserve, being within a grazing district duly established pursuant to the provisions of the act of June 28, 1934, ch. 865, 48 Stat. 1269, as amended by the act of June 26, 1936, 49 Stat. 1976, shall be under the exclusive jurisdiction of the Secretary of the Interior so far as it relates to the public grazing lands and natural forage resources thereof: *Provided, however,* That all the forage resources in excess of that required to maintain a balanced wildlife population within this range or preserve shall be available for domestic livestock under rules and regulations promulgated by the Secretary of the Interior under the authority of the aforesaid act of June 28, 1934, as amended; *And provided further,* That land within the exterior limits of the area herein described, hereafter acquired by the United States for the use of the Department of Agriculture for conservation of migratory birds in accordance with the Migratory Bird Conservation Act of February 18, 1929, 45 Stat. 1222, as amended by the Act of June 15, 1935, 49 Stat. 381, shall be, and remain under the exclusive administration of the Secretary of Agriculture and may be utilized for public grazing purposes only to such extent as may be determined by the said Secretary to be compatible with the utilization of said lands for the purposes for which they were acquired as aforesaid under regulations prescribed by him.

SECTION 3. This preserve shall be known as the Kofa Game Range.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Jan 25 1939

[No. 8039]

[F. R. Doc. 39-284; Filed, January 26, 1939; 12:25 p. m.]

EXECUTIVE ORDER

REGULATIONS GOVERNING THE PAYMENT OF ADDITIONAL COMPENSATION TO ENLISTED MEN OF THE NAVY SPECIALLY QUALIFIED IN THE USE OF ARMS

By virtue of and pursuant to the authority vested in me by section 18 of the act entitled "An Act To readjust the pay and allowances of the commissioned and enlisted personnel of the Army,

Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service", approved June 10, 1922 (42 Stat. 632), it is hereby ordered that enlisted men of the Navy who have established their special qualifications in the use of the arm or arms which they may be required to use, according to standards of efficiency that may be prescribed from time to time by the Secretary of the Navy, and who are so stationed by their commanding officers that they may be required to use such arm or arms, including periods while transferred for temporary duty away from the ship to which permanently attached (provided the commanding officer of the ship to which they are permanently attached has retained them in the battle stations where they normally use such arm or arms), shall receive additional compensation, for such periods of time as may be prescribed by the Secretary of the Navy, as follows:

First Class.....	\$5.00 per month
Second Class.....	4.00 per month
Third Class.....	3.00 per month
Fourth Class.....	2.00 per month
Fifth Class.....	1.00 per month

Executive Order No. 3696 of June 22, 1922, prescribing regulations governing the payment of additional compensation to enlisted men of the Navy specially qualified in the use of arms, is hereby superseded.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
January 25, 1939.

[No. 8040]

[F. R. Doc. 39-285; Filed, January 26, 1939;
12:25 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 728—PROCLAMATIONS AND DETERMINATIONS RELATING TO WHEAT ALLOTMENTS

1939 COUNTY WHEAT ACREAGE ALLOTMENTS

SEC. 728.3 *County Wheat Acreage Allotments for 1939.* Pursuant to the authority vested in the Secretary of Agriculture under Section 334, paragraph (b), Part III, Subtitle B, of Title III, of the Agricultural Adjustment Act of 1938, as amended, the State acreage allotments of wheat for 1939, as established by the proclamation dated July 20, 1938, are hereby apportioned among the counties in such States as follows:

County and Wheat Acreage Allotment

ALABAMA	Acres
Lauderdale.....	662
Limestone.....	274

13 F. R. 1807 DL

ARIZONA		CALIFORNIA—Continued	
	Acres		Acres
Apache.....	577	San Joaquin.....	30,999
Cochise.....	407	San Luis Obispo.....	73,219
Coconine.....	935	Santa Barbara.....	4,840
Graham.....	1,321	Santa Clara.....	604
Greenlee.....	183	Shasta.....	5,670
Maricopa.....	20,980	Sierra.....	180
Mohave.....	4	Siskiyou.....	13,658
Navajo.....	205	Solano.....	16,886
Pima.....	492	Sonoma.....	1,062
Pinal.....	3,473	Stanislaus.....	15,995
Yavapai.....	170	Sutter.....	37,752
Yuma.....	1,807	Tehama.....	6,734
ARKANSAS			
Arkansas.....	423	Trinity.....	333
Baxter.....	1,106	Tulare.....	52,415
Benton.....	9,250	Tuolumne.....	319
Boone.....	4,382	Ventura.....	1,009
Carroll.....	4,772	Yolo.....	14,488
Clay.....	5,693	Yuba.....	7,604
Cleburne.....	94	COLORADO	
Clark.....	16	Adams.....	78,500
Craighead.....	1,970	Alamosa.....	3,411
Crawford.....	45	Arapahoe.....	43,755
Crittenden.....	181	Archuleta.....	1,834
Cross.....	27	Baca.....	120,986
Franklin.....	400	Bent.....	3,534
Fulton.....	1,302	Boulder.....	16,902
Garland.....	219	Chaffee.....	915
Greene.....	1,759	Cheyenne.....	9,647
Hot Spring.....	146	Conejos.....	4,468
Independence.....	3,074	Costilla.....	3,192
Izard.....	616	Crowley.....	323
Jackson.....	1,640	Custer.....	882
Johnson.....	11	Delta.....	4,176
Lawrence.....	221	Dolores.....	3,746
Logan.....	969	Douglas.....	9,581
Lonoke.....	56	Eagle.....	1,237
Madison.....	2,786	Elbert.....	29,791
Marion.....	1,799	El Paso.....	5,961
Mississippi.....	30	Fremont.....	645
Montgomery.....	753	Garfield.....	5,306
Newton.....	1,089	Gilpin.....	15
Phillips.....	34	Grand.....	91
Poinsett.....	371	Gunnison.....	139
Polk.....	424	Huerfano.....	1,765
Pope.....	49	Jackson.....	4
Prairie.....	59	Jefferson.....	12,741
Pulaski.....	238	Kiowa.....	7,638
Randolph.....	1,153	Kit Carson.....	64,066
Saint Francis.....	238	La Plata.....	10,599
Saline.....	83	Larimer.....	25,742
Searcy.....	2,545	Las Animas.....	4,073
Sebastian.....	76	Lincoln.....	46,999
Scott.....	3	Logan.....	119,163
Sharp.....	251	Mesa.....	4,255
Stone.....	980	Moffat.....	7,833
Van Buren.....	62	Montezuma.....	9,182
Washington.....	11,746	Montrose.....	9,167
White.....	11	Morgan.....	36,908
Yell.....	210	Otero.....	1,675
CALIFORNIA		Ouray.....	1,136
Alameda.....	2,415	Park.....	22
Amador.....	492	Phillips.....	111,300
Butte.....	25,950	Pitkin.....	513
Calaveras.....	147	Prowers.....	31,083
Colusa.....	10,318	Pueblo.....	11,489
Contra Costa.....	4,990	Rio Blanco.....	3,195
Fresno.....	32,260	Rio Grande.....	7,354
Glenn.....	15,367	Routt.....	7,884
Humboldt.....	90	Saguache.....	3,139
Imperial.....	19,543	San Miguel.....	1,096
Inyo.....	185	Sedgwick.....	56,453
Kern.....	26,939	Summit.....	55
Kings.....	38,147	Teller.....	62
Lake.....	1,428	Washington.....	101,520
Lassen.....	5,955	Weld.....	150,809
Los Angeles.....	13,938	Yuma.....	107,065
Madera.....	27,727	DELAWARE	
Marin.....	445	Kent.....	31,277
Mendocino.....	2,189	New Castle.....	25,883
Merced.....	11,926	Sussex.....	11,245
Modoc.....	6,689	GEORGIA	
Monterey.....	20,745	Appling.....	18
Napa.....	2,731	Atkinson.....	9
Orange.....	632	Bacon.....	3
Placer.....	11,344	Baldwin.....	318
Plumas.....	618	Banks.....	1,435
Riverside.....	15,895	Barrow.....	2,149
Sacramento.....	31,422	Bartow.....	973
San Benito.....	4,936	Ben Hill.....	31
San Bernardino.....	711	Berrien.....	3
San Diego.....	1,365	Bibb.....	256
		Bleckley.....	42

GEORGIA—Continued		GEORGIA—Continued		ILLINOIS—Continued	
	Acres		Acres		Acres
Bryan	3	Screven	327	Cumberland	3,733
Bulloch	264	Spalding	1,791	De Kalb	3,187
Burke	937	Stephens	1,060	De Witt	9,801
Butts	1,634	Stewart	25	Douglas	11,680
Calhoun	5	Sumter	2,058	Du Page	2,174
Candler	36	Talbot	240	Edgar	31,118
Carroll	2,283	Taliaferro	923	Edwards	12,206
Catoosa	62	Tattnall	45	Effingham	14,143
Chattooga	49	Taylor	546	Fayette	19,569
Cherokee	1,231	Telfair	36	Ford	1,269
Clarke	1,335	Terrell	503	Franklin	8,831
Clay	3	Tift	62	Fulton	39,593
Clayton	1,007	Toombs	62	Gallatin	16,568
Cobb	1,350	Towns	797	Greene	32,331
Coffee	23	Treutlen	22	Grundy	2,317
Colquitt	10	Troup	184	Hamilton	9,226
Columbia	858	Turner	163	Hancock	30,067
Coweta	1,691	Twiggs	45	Hardin	218
Crawford	569	Union	649	Henderson	8,828
Crisp	302	Upson	701	Henry	4,936
Dade	595	Walker	356	Iroquois	6,135
Dawson	535	Walton	3,925	Jackson	29,212
Decatur	3	Warren	1,293	Jasper	6,724
De Kalb	1,139	Washington	1,528	Jefferson	8,020
Dodge	51	Webster	68	Jersey	23,786
Dooly	1,185	Wheeler	67	Jo Daviess	775
Dougherty	4	White	541	Johnson	1,223
Douglas	394	Whitfield	376	Kane	3,871
Effingham	9	Wilcox	256	Kankakee	8,387
Elbert	2,588	Wilkes	3,096	Kendall	1,842
Emanuel	190	Wilkinson	115	Knox	5,607
Evans	3	Worth	64	Lake	2,818
Fannin	164			La Salle	5,956
Fayette	1,208			Lawrence	20,427
Floyd	357			Lee	5,939
Forsyth	1,894	Ada	13,138	Livingston	3,885
Franklin	3,913	Adams	2,140	Logan	51,863
Fulton	1,578	Bannock	57,410	McDonough	25,103
Gilmer	88	Bear Lake	15,094	McHenry	3,393
Glascock	678	Benewah	17,519	McLean	12,494
Gordon	740	Bingham	13,481	Macon	27,533
Grady	3	Blaine	2,947	Macoupin	47,553
Greene	2,852	Boise	957	Madison	73,767
Gwinnett	3,302	Bonner	1,092	Marion	9,905
Habersham	691	Bonneville	46,725	Marshall	3,704
Hall	2,903	Boundary	13,540	Mason	54,832
Hancock	1,241	Butte	2,499	Massac	4,750
Haralson	366	Camas	28,000	Menard	29,787
Harris	138	Canyon	22,265	Mercer	4,271
Hart	3,484	Caribou	8,319	Monroe	47,730
Heard	423	Cassia	17,512	Montgomery	36,593
Henry	3,955	Clark	629	Morgan	44,003
Houston	2,510	Clearwater	8,096	Moultrie	10,668
Irwin	42	Custer	1,207	Ogle	2,078
Jackson	3,633	Elmore	4,491	Peoria	12,124
Jasper	1,826	Franklin	25,108	Perry	23,054
Jeff Davis	4	Fremont	43,251	Platt	18,047
Jefferson	2,961	Gem	3,763	Pike	46,204
Jenkins	27	Gooding	8,926	Pope	2,435
Johnson	138	Idaho	60,026	Pulaski	4,579
Jones	317	Jefferson	9,839	Putnam	2,925
Lamar	1,513	Jerome	10,757	Randolph	56,044
Lanier	3	Kootenai	19,147	Richland	7,443
Laurens	397	Latah	65,797	Rock Island	3,104
Lee	60	Lemhi	2,092	Saint Clair	74,743
Lincoln	1,698	Lewis	50,494	Saline	13,754
Lowndes	3	Lincoln	7,487	Sangamon	59,325
Lumpkin	181	Madison	45,024	Schuyler	24,174
McDuffie	803	Minidoka	4,408	Scott	21,619
Macon	1,353	Nez Perce	60,941	Shelby	12,921
Madison	5,327	Onelda	64,815	Stark	845
Marion	78	Owyhee	3,435	Stephenson	1,700
Meriwether	1,342	Payette	3,666	Tazewell	36,560
Mitchell	12	Power	71,660	Union	7,701
Monroe	1,422	Teton	21,008	Vermillion	23,734
Montgomery	92	Twin Falls	24,348	Wabash	17,785
Morgan	2,372	Valley	3,053	Warren	4,008
Murray	580	Washington	11,443	Washington	68,856
Muscogee	22			Wayne	7,748
Newton	1,961	Adams	43,261	White	34,066
Oconee	2,818	Alexander	4,065	Whiteside	13,977
Oglethorpe	4,070	Bond	18,962	Will	7,577
Paulding	490	Boone	1,556	Williamson	6,555
Peach	2,366	Brown	8,850	Winnebago	1,953
Pickens	235	Bureau	6,733	Woodford	4,117
Pierce	6	Calhoun	8,625		
Pike	1,664	Carroll	1,253		
Polk	597	Cass	28,241		
Pulaski	146	Champaign	17,255		
Putnam	971	Christian	47,223		
Rabun	42	Clark	14,378		
Randolph	412	Clay	4,366		
Richmond	775	Clinton	48,621		
Rockdale	656	Coles	14,287		
Schley	218	Cook	2,714		
		Crawford	12,696		

IDAHO

ILLINOIS

INDIANA

INDIANA—Continued

	Acres
Clark	10,240
Clay	16,947
Clinton	28,371
Crawford	4,110
Daviess	20,014
Dearborn	8,995
Decatur	29,000
De Kalb	18,551
Delaware	12,026
Dubois	23,194
Elkhart	22,291
Fayette	14,958
Floyd	2,973
Fountain	18,498
Franklin	18,783
Fulton	10,354
Gibson	34,508
Grant	11,789
Greene	13,981
Hamilton	18,629
Hancock	15,546
Harrison	14,926
Hendricks	17,639
Henry	17,437
Howard	12,710
Huntington	12,051
Jackson	20,239
Jasper	10,461
Jay	12,066
Jefferson	8,340
Jennings	7,313
Johnson	24,601
Knox	46,691
Kosciusko	24,903
Lagrange	22,611
Lake	8,854
La Porte	27,599
Lawrence	7,104
Madison	18,684
Marion	14,016
Marshall	18,131
Martin	4,295
Miami	17,759
Monroe	3,424
Montgomery	25,831
Morgan	15,663
Newton	4,882
Noble	22,115
Ohio	2,454
Orange	7,543
Owen	5,189
Parke	15,668
Perry	9,157
Pike	10,345
Porter	13,873
Posey	39,081
Pulaski	10,954
Putnam	13,077
Randolph	18,511
Ripley	17,998
Rush	37,812
St. Joseph	19,921
Scott	3,387
Shelby	38,004
Spencer	23,315
Starke	7,016
Steuben	12,622
Sullivan	21,175
Switzerland	4,604
Tippecanoe	28,223
Tipton	13,361
Union	13,897
Vanderburgh	17,166
Vermillion	12,550
Vigo	19,357
Wabash	18,037
Warren	10,367
Warrick	17,262
Washington	11,069
Wayne	24,372
Wells	10,546
White	12,900
Whitley	12,498

Iowa

Adair	4,157
Adams	6,426
Allamakee	1,040
Appanoose	2,368
Audubon	1,678
Benton	991
Black Hawk	541
Boone	1,080
Bremer	276
Buchanan	294

Iowa—Continued

Buena Vista	283
Butler	341
Calhoun	388
Carroll	2,348
Cass	10,462
Cedar	1,947
Cerro Gordo	379
Cherokee	224
Chickasaw	361
Clarke	2,350
Clay	283
Clayton	909
Clinton	2,168
Crawford	5,788
Dallas	7,405
Davis	2,773
Decatur	3,050
Delaware	287
Des Moines	7,264
Dickinson	274
Dubuque	567
Emmet	357
Fayette	524
Floyd	576
Franklin	262
Fremont	15,746
Greene	523
Grundy	181
Guthrie	2,895
Hamilton	512
Hancock	207
Hardin	179
Harrison	23,073
Henry	3,544
Howard	456
Humboldt	293
Ida	595
Iowa	2,297
Jackson	794
Jasper	5,479
Jefferson	3,589
Johnson	1,837
Jones	366
Keokuk	3,151
Kossuth	290
Lee	8,315
Linn	830
Louisa	7,948
Lucas	3,112
Lyon	368
Madison	9,193
Mahaska	5,689
Marion	8,344
Marshall	1,468
Mills	12,824
Mitchell	766
Monona	34,663
Monroe	4,823
Montgomery	16,759
Muscatine	3,798
O'Brien	208
Osceola	117
Page	21,022
Palo Alto	593
Plymouth	3,392
Pocahontas	584
Polk	11,972
Pottawattamie, East	15,791
Pottawattamie, West	901
Poweshiek	4,193
Ringgold	604
Sac	6,883
Scott	3,157
Shelby	932
Sioux	1,314
Story	1,538
Tama	10,558
Taylor	2,228
Union	3,375
Van Buren	7,533
Wapello	13,067
Warren	3,198
Washington	1,803
Wayne	451
Webster	269
Winnebago	1,172
Winneshek	16,144
Woodbury	588
Worth	242
Wright	

KANSAS

Allen	14,414
Anderson	16,496
Atchison	38,882

KANSAS—Continued

Barber	120,752
Barton	248,111
Bourbon	15,242
Brown	49,106
Butler	52,244
Chase	13,075
Chautauqua	12,176
Cherokee	51,332
Cheyenne	96,846
Clark	141,033
Clay	86,985
Cloud	105,980
Coffey	27,428
Comanche	118,298
Cowley	66,444
Crawford	36,661
Decatur	114,336
Dickinson	141,554
Doniphan	20,428
Douglas	29,064
Edwards	162,895
Elk	11,553
Ellis	175,664
Ellsworth	119,861
Finney	216,528
Ford	333,621
Franklin	23,287
Geary	22,175
Gove	143,961
Graham	120,706
Grant	154,114
Gray	254,441
Greeley	111,600
Greenwood	15,107
Hamilton	111,371
Harper	172,066
Harvey	105,223
Haskell	194,836
Hodgeman	177,520
Jackson	34,337
Jefferson	29,997
Jewell	82,807
Johnson	26,654
Kearny	97,620
Kingman	173,716
Kiowa	132,500
Labette	48,797
Lane	157,754
Leavenworth	28,867
Lincoln	118,869
Linn	20,860
Logan	76,765
Lyon	28,872
McPherson	194,771
Marion	121,348
Marshall	68,419
Meade	205,171
Miami	26,103
Mitchell	151,348
Montgomery	35,747
Morris	30,721
Morton	122,243
Nemaha	29,699
Necaho	31,646
Ness	235,900
Norton	78,478
Osage	23,635
Osborne	130,124
Ottawa	117,473
Pawnee	235,123
Phillips	69,955
Pottawatomie	27,334
Pratt	194,253
Rawlins	166,403
Reno	286,441
Republic	64,207
Rice	162,516
Riley	28,700
Rooks	139,074
Rush	199,212
Russell	164,637
Saline	132,871
Scott	138,696
Sedgwick	190,496
Seward	135,881
Shawnee	23,794
Sheridan	157,248
Sherman	189,433
Smith	75,566
Stafford	208,168
Stanton	166,921
Stevens	125,951
Sumner	256,141
Thomas	240,685
Trego	165,295
Wabaunsee	23,879
Wallace	33,327

KANSAS—Continued		Acres	KENTUCKY—Continued		Acres	MICHIGAN—Continued		Acres
Washington	-----	69,389	Owsley	-----	145	Leelanau	-----	2,135
Wichita	-----	101,496	Pendleton	-----	2,035	Lenawee	-----	29,046
Wilson	-----	22,907	Pike	-----	4	Livingston	-----	11,632
Woodson	-----	13,641	Powell	-----	17	Luce	-----	35
Wyandotte	-----	3,062	Pulaski	-----	5,624	Mackinac	-----	269
KENTUCKY			Robertson	-----	815	Macomb	-----	13,751
Adair	-----	3,319	Rockcastle	-----	1,100	Manistee	-----	1,496
Allen	-----	3,609	Rowan	-----	181	Marquette	-----	30
Anderson	-----	2,321	Russell	-----	1,639	Mason	-----	3,315
Ballard	-----	3,472	Scott	-----	5,018	Mecosta	-----	1,774
Barren	-----	6,697	Shelby	-----	12,848	Menominee	-----	413
Bath	-----	2,173	Simpson	-----	9,299	Midland	-----	1,626
Boone	-----	1,145	Spencer	-----	2,692	Missaukee	-----	1,828
Bourbon	-----	6,365	Taylor	-----	4,249	Monroe	-----	25,526
Boyd	-----	73	Todd	-----	5,935	Montcalm	-----	10,164
Boyle	-----	6,044	Trigg	-----	2,605	Montmorency	-----	552
Bracken	-----	2,132	Trimble	-----	2,372	Muskegon	-----	3,099
Breckenridge	-----	4,026	Union	-----	10,366	Newaygo	-----	4,079
Bullitt	-----	2,301	Warren	-----	5,663	Oakland	-----	6,984
Butler	-----	1,501	Washington	-----	6,043	Oceana	-----	2,786
Caldwell	-----	1,142	Wayne	-----	2,271	Ogemaw	-----	1,144
Calloway	-----	3,440	Webster	-----	4,392	Ontonagon	-----	335
Campbell	-----	1,115	Whitley	-----	52	Osceola	-----	1,508
Carlisle	-----	1,411	Wolfe	-----	58	Oscoda	-----	150
Carroll	-----	872	Woodford	-----	6,204	Otsego	-----	477
Carter	-----	840	MARYLAND			Ottawa	-----	17,614
Casey	-----	1,709	Allegany	-----	2,038	Presque Isle	-----	2,408
Christian	-----	11,741	Anne Arundel	-----	1,725	Roscommon	-----	80
Clark	-----	3,125	Baltimore	-----	15,251	Saginaw	-----	17,251
Clay	-----	318	Calvert	-----	742	St. Clair	-----	17,973
Clinton	-----	1,315	Caroline	-----	17,301	St. Joseph	-----	18,586
Crittenden	-----	497	Carroll	-----	35,323	Sanilac	-----	22,619
Cumberland	-----	337	Cecil	-----	16,953	Schoolcraft	-----	23
Davies	-----	9,497	Charles	-----	4,862	Shiawassee	-----	18,856
Edmonson	-----	574	Dorchester	-----	15,370	Tuscola	-----	17,519
Elliott	-----	411	Frederick	-----	51,770	Van Buren	-----	11,139
Estill	-----	42	Garrett	-----	2,755	Washtenaw	-----	20,816
Fayette	-----	5,444	Harford	-----	9,982	Wayne	-----	5,625
Fleming	-----	3,242	Howard	-----	12,927	Wexford	-----	1,076
Floyd	-----	10	Kent	-----	25,592	MINNESOTA		
Franklin	-----	2,399	Montgomery	-----	23,844	Aitkin	-----	318
Fulton	-----	4,397	Prince Georges	-----	4,569	Anoka	-----	1,380
Gallatin	-----	399	Queen Annes	-----	32,744	Becker	-----	16,683
Garrard	-----	3,353	St. Marys	-----	7,200	Beltrami	-----	1,017
Grant	-----	1,553	Somerset	-----	2,728	Benton	-----	3,102
Graves	-----	3,070	Talbot	-----	24,687	Big Stone	-----	41,633
Grayson	-----	2,683	Washington	-----	35,889	Blue Earth	-----	25,120
Green	-----	2,225	Wicomico	-----	1,713	Brown	-----	17,868
Greenup	-----	587	Worcester	-----	4,961	Carlton	-----	195
Hancock	-----	1,669	MICHIGAN			Carver	-----	9,471
Hardin	-----	5,042	Alcona	-----	1,217	Cass	-----	571
Harrison	-----	5,420	Alger	-----	60	Chippewa	-----	28,599
Hart	-----	1,120	Allegan	-----	23,386	Chisago	-----	4,082
Henderson	-----	7,432	Alpena	-----	2,362	Clay	-----	71,941
Henry	-----	4,163	Antrim	-----	791	Clearwater	-----	4,505
Hickman	-----	3,779	Arenac	-----	1,135	Cottonwood	-----	4,544
Hopkins	-----	4,227	Baraga	-----	82	Crow Wing	-----	442
Jackson	-----	424	Barry	-----	17,484	Dakota	-----	19,567
Jefferson	-----	5,432	Bay	-----	6,921	Dodge	-----	3,862
Jessamine	-----	6,886	Benzle	-----	539	Douglas	-----	20,436
Johnson	-----	189	Berrien	-----	14,099	Faribault	-----	6,887
Kenton	-----	618	Branch	-----	19,950	Fillmore	-----	6,642
Knox	-----	94	Calhoun	-----	25,946	Freeborn	-----	5,564
Larue	-----	3,145	Cass	-----	15,947	Goodhue	-----	18,324
Laurel	-----	1,380	Charlevoix	-----	961	Grant	-----	20,718
Lawrence	-----	202	Cheboygan	-----	416	Hennepin	-----	6,811
Lee	-----	78	Chippewa	-----	1,242	Houston	-----	1,943
Letcher	-----	31	Clare	-----	1,066	Hubbard	-----	1,404
Lewis	-----	573	Clinton	-----	25,058	Isanti	-----	3,517
Lincoln	-----	5,349	Crawford	-----	16	Itasca	-----	401
Livingston	-----	750	Delta	-----	207	Jackson	-----	1,495
Logan	-----	12,122	Dickinson	-----	74	Kanabec	-----	587
Lyon	-----	573	Eaton	-----	26,062	Kandiyohi	-----	15,854
McCracken	-----	1,026	Emmet	-----	641	Kittson	-----	63,478
McCreary	-----	21	Genesee	-----	16,077	Koochiching	-----	783
McLean	-----	3,685	Gladwin	-----	831	Lac Qui Parle	-----	54,988
Madison	-----	2,629	Gogebic	-----	30	Lake	-----	48
Magoffin	-----	103	Grand Traverse	-----	1,649	Lake of the Woods	-----	781
Marion	-----	3,018	Gratiot	-----	12,705	Le Sueur	-----	28,759
Marshall	-----	1,974	Hillsdale	-----	19,071	Lincoln	-----	10,012
Mason	-----	5,982	Houghton	-----	295	Lyon	-----	12,746
Meade	-----	4,521	Huron	-----	24,608	McLeod	-----	14,479
Menifee	-----	39	Ingham	-----	14,288	Mahonomen	-----	8,273
Mercer	-----	10,040	Ionia	-----	24,673	Marshall	-----	69,806
Metcalfe	-----	2,622	Iosco	-----	484	Martin	-----	2,402
Monroe	-----	2,388	Iron	-----	65	Meeker	-----	19,222
Montgomery	-----	1,397	Isabella	-----	7,423	Mille Lacs	-----	573
Morgan	-----	497	Jackson	-----	16,569	Morrison	-----	11,136
Muhlenberg	-----	3,888	Kalamazoo	-----	19,500	Mower	-----	3,656
Nelson	-----	7,750	Kalkaska	-----	403	Murray	-----	1,552
Nicholas	-----	2,095	Kent	-----	17,687	Nicollet	-----	15,798
Ohio	-----	3,214	Keweenaw	-----	16	Nobles	-----	636
Oldham	-----	3,798	Lake	-----	403	Norman	-----	46,665
Owen	-----	1,596	Lapeer	-----	11,776	Olmsted	-----	6,271
						Otter Tail	-----	54,334

MINNESOTA—Continued		MISSOURI—Continued		MONTANA—Continued	
	Acres		Acres		Acres
Pennington	7,817	Marion	17,973	Rosebud	38,313
Pine	1,358	Mercer	1,743	Sanders	6,227
Pipestone	834	Miller	12,988	Sheridan	206,993
Polk	136,130	Mississippi	16,506	Silver Bow	134
Pope	22,680	Moniteau	18,264	Stillwater	77,994
Ramsey	428	Monroe	6,163	Sweet Grass	13,495
Red Lake	13,081	Montgomery	12,948	Teton	117,824
Redwood	23,280	Morgan	11,840	Toole	67,529
Renville	39,018	New Madrid	14,189	Treasure	10,931
Rice	17,028	Newton	29,445	Valley	202,880
Rock	520	Nodaway	24,733	Wheatland	14,117
Roseau	9,245	Oregon	3,113	Wibaux	48,730
St. Louis	894	Osage	18,986	Yellowstone	69,415
Scott	17,809	Ozark	4,906		
Sherburne	3,087	Pemiscot	286	NEBRASKA	
Sibley	20,573	Perry	19,583	Adams	84,516
Stearns	27,667	Pettis	34,260	Antelope	6,306
Steele	6,820	Phelps	6,403	Arthur	196
Stevens	29,546	Pike	18,636	Banner	49,541
Swift	32,608	Platte	36,376	Blaine	135
Todd	8,567	Polk	17,143	Boone	5,973
Traverse	48,208	Pulaski	4,408	Box Butte	87,494
Wabasha	8,274	Putnam	1,846	Boyd	4,536
Wadena	1,533	Ralls	10,526	Brown	1,508
Waseca	13,741	Randolph	6,358	Buffalo	35,200
Washington	5,718	Ray	24,273	Burt	8,429
Watsonwan	4,094	Reynolds	1,753	Butler	56,030
Wilkin	58,957	Ripley	2,150	Cass	30,190
Winona	6,157	St. Charles	50,709	Cedar	2,029
Wright	18,090	St. Clair	15,726	Chase	54,210
Yellow Medicine	43,055	St. Francois	6,731	Cherry	3,567
		St. Louis	22,152	Cheyenne	179,327
		Ste. Genevieve	9,891	Clay	85,890
MISSOURI		Saline	50,560	Colfax	18,577
Adair	1,918	Schuyler	1,710	Cuming	2,844
Andrew	12,532	Scotland	1,771	Custer	22,634
Atchison	14,317	Scott	32,024	Dakota	1,672
Audrain	7,650	Shannon	1,913	Dawes	40,094
Barry	17,023	Shelby	4,860	Dawson	25,065
Barton	28,388	Stoddard	23,845	Deuel	60,954
Bates	41,729	Stone	3,769	Dixon	1,298
Benton	10,968	Sullivan	1,851	Dodge	29,055
Bollinger	8,352	Taney	1,396	Douglas	6,459
Boone	12,000	Texas	10,673	Dundy	20,325
Buchanan	29,311	Vernon	37,369	Fillmore	80,474
Butler	3,758	Warren	18,296	Franklin	35,742
Caldwell	10,726	Washington	6,350	Frontier	32,652
Callaway	14,355	Wayne	2,973	Furnas	52,050
Camden	2,897	Webster	7,723	Gage	85,710
Cape Girardeau	19,912	Worth	3,731	Garden	34,586
Carroll	48,393	Wright	5,753	Garfield	492
Carter	766			Gosper	19,625
Cass	32,950	MONTANA		Grant	89
Cedar	13,467	Beaverhead	2,459	Greeley	2,838
Chariton	37,427	Big Horn	53,798	Hall	42,615
Christian	10,938	Blaine	70,624	Hamilton	61,304
Clark	8,026	Broadwater	11,766	Harlan	45,364
Clay	11,969	Carbon	29,984	Hayes	35,079
Clinton	10,680	Carter	15,686	Hitchcock	62,777
Cole	15,482	Cascade	118,673	Holt	3,044
Cooper	35,291	Chouteau	254,255	Hooker	2
Crawford	5,392	Custer	30,083	Howard	22,362
Dade	22,582	Daniels	153,894	Jefferson	58,477
Dallas	7,026	Dawson	122,943	Johnson	30,363
Davless	13,531	Deer Lodge	564	Kearney	78,560
DeKalb	9,621	Fallon	66,199	Keith	57,950
Dent	4,917	Fergus	210,191	Keyapaha	1,045
Douglas	5,229	Flathead	25,015	Kimball	121,832
Dunklin	2,356	Gallatin	57,983	Knox	3,548
Franklin	34,631	Garfield	37,796	Lancaster	67,344
Gasconade	16,440	Glacier	24,644	Lincoln	51,425
Gentry	8,975	Golden Valley	21,205	Logan	1,431
Greene	21,220	Granite	2,368	Loup	379
Grundy	4,149	Hill	229,343	McPherson	30
Harrison	6,716	Jefferson	7,008	Madison	4,448
Henry	22,014	Judith Basin	107,998	Merrick	27,873
Hickory	7,220	Lake	21,652	Morrill	25,723
Holt	19,453	Lewis and Clark	11,741	Nance	17,209
Howard	18,428	Liberty	68,261	Nemaha	28,654
Howell	7,190	Lincoln	1,573	Nuckolls	45,934
Iron	2,580	McCone	99,756	Otoe	43,782
Jackson	21,509	Madison	11,432	Pawnee	22,385
Jasper	48,062	Meagher	6,008	Perkins	142,639
Jefferson	9,494	Mineral	730	Phelps	60,807
Johnson	39,191	Missoula	8,974	Pierce	1,408
Knox	2,625	Musselshell	26,932	Platte	19,400
Laclede	9,111	Park	21,391	Polk	37,724
Lafayette	48,785	Petroleum	13,490	Redwillow	58,193
Lawrence	36,541	Phillips	71,408	Richardson	31,977
Lewis	10,721	Pondera	104,567	Rock	351
Lincoln	29,981	Powder River	21,798	Saline	76,943
Linn	6,971	Powell	3,545	Sarpy	7,194
Livingston	14,795	Prairie	62,887	Saunders	47,110
McDonald	8,096	Ravalli	6,144	Scotts Bluff	11,921
Macon	7,432	Richland	118,384	Seward	63,296
Madison	2,872	Roosevelt	204,908	Sheridan	52,709
Maries	9,117				

NEBRASKA—Continued		NEW YORK—Continued		NORTH CAROLINA—Continued	
	Acres		Acres		Acres
Sherman	12,021	Cortland	168	Lenoir	42
Sioux	10,409	Delaware	143	Lincoln	9,965
Stanton	2,641	Dutchess	747	McDowell	2,115
Thayer	64,682	Essex	10,653	Macon	2,064
Thomas	6	Franklin	74	Madison	4,642
Thurston	1,441	Genesee	74	Martin	10
Valley	5,149	Greene	16,338	Mecklenburg	6,252
Washington	14,856	Herkimer	506	Mitchell	1,227
Wayne	814	Jefferson	213	Montgomery	5,389
Webster	39,148	Lewis	561	Moore	6,229
Wheeler	421	Livingston	89	Nash	1,221
York	57,471	Madison	16,384	New Hanover	3
NEVADA		Monroe	1,645	Northampton	243
Churchill	3,704	Montgomery	23,812	Onslow	18
Clark	546	Niagara	351	Orange	6,128
Douglas	1,069	Oneida	20,311	Pamlico	29
Eiko	814	Onondaga	961	Pasquotank	77
Esmeralda	1	Ontario	8,121	Pender	36
Eureka	54	Orange	19,539	Perquimans	23
Humboldt	518	Orleans	540	Person	5,156
Lander	109	Oswego	14,618	Pitt	133
Lincoln	43	Otsego	593	Polk	1,191
Lyon	1,648	Renesselaer	220	Randolph	16,191
Mineral	54	St. Lawrence	193	Richmond	2,534
Nye	109	Saratoga	167	Robeson	2,015
Ormsby	54	Schenectady	164	Rockingham	7,319
Pershing	1,396	Schoharie	149	Rowan	17,745
Storey	19	Schuyler	647	Rutherford	6,938
Washoe	1,531	Seneca	3,657	Sampson	662
White Pine	299	Steuben	11,848	Scotland	1,558
NEW JERSEY		Suffolk	5,510	Stanly	17,247
Bergen	41	Sullivan	476	Stokes	7,557
Burlington	3,198	Tioga	74	Surry	6,895
Camden	177	Tompkins	1,382	Swain	513
Cape May	4	Ulster	4,233	Transylvania	80
Cumberland	2,146	Washington	1,102	Tyrrell	17
Essex	22	Wayne	216	Union	12,429
Gloucester	267	Wyoming	14,282	Vance	1,399
Hunterdon	12,656	Yates	7,454	Wake	3,541
Mercer	4,180	NORTH CAROLINA		Warren	2,493
Middlesex	2,062	Alamance	8,843	Washington	39
Monmouth	2,440	Alexander	6,575	Watauga	959
Morris	739	Alleghany	1,121	Wayne	276
Ocean	91	Anson	6,515	Wilkes	8,031
Passaic	1	Ashe	3,002	Wilson	290
Salem	6,016	Avery	311	Yadkin	8,263
Somerset	5,590	Beaufort	95	Yancey	1,995
Sussex	701	Bertie	31	NORTH DAKOTA	
Union	27	Bladen	158	Adams	111,650
Warren	6,566	Brunswick	16	Barnes	201,403
NEW MEXICO		Buncombe	4,581	Benson	239,452
Bernalillo	755	Burke	6,261	Billings	54,128
Catron	50	Cabarrus	9,246	Bottineau	268,043
Chaves	79	Caldwell	4,606	Bowman	86,975
Colfax	9,683	Camden	26	Burke	126,084
Curry	170,287	Carteret	5	Burleigh	123,385
Dona Ana	281	Caswell	5,746	Cass	243,035
Eddy	118	Catawba	12,863	Cavaller	215,366
Grant	190	Chatham	11,431	Dickey	86,856
Guadalupe	664	Cherokee	659	Divide	173,106
Harding	22,824	Chowan	30	Dunn	167,283
Hidalgo	121	Clay	1,569	Eddy	74,375
Lea	29	Cleveland	9,997	Emmons	170,038
Lincoln	34	Columbus	158	Foster	83,178
Luna	40	Craven	39	Golden Valley	88,214
McKinley	1,153	Cumberland	1,178	Grand Forks	200,027
Mora	4,594	Currituck	22	Grant	152,476
Otero	71	Dare	1	Griggs	87,257
Quay	73,549	Davidson	15,324	Hettinger	177,785
Rio Arriba	3,044	Davie	6,809	Kidder	93,049
Roosevelt	7,788	Duplin	117	La Moure	137,214
Sandoval	1,820	Durham	2,498	Logan	116,119
San Juan	1,581	Edgecombe	271	McHenry	225,936
San Miguel	2,011	Forsyth	8,327	McIntosh	131,367
Santa Fe	502	Franklin	1,385	McKenzie	184,180
Sierra	122	Gaston	6,782	McLean	311,229
Socorro	1,199	Gates	12	Mercer	114,628
Taos	3,518	Graham	13	Morton	183,751
Torrance	248	Granville	3,816	Mountrail	213,521
Union	4,407	Greene	69	Nelson	132,075
Valencia	2,791	Guilford	10,794	Oliver	65,610
NEW YORK		Halifax	1,788	Pembina	154,887
Albany	511	Harnett	2,455	Pierce	178,551
Allegany	1,416	Haywood	2,777	Ramsey	226,775
Broome	169	Henderson	1,333	Ransom	76,342
Cattaraugus	470	Hertford	25	Renville	144,064
Cayuga	14,508	Hoke	1,523	Richland	144,378
Chautauqua	942	Hyde	16	Rolette	110,309
Chemung	1,576	Iredell	18,583	Sargent	86,038
Chenango	163	Jackson	1,614	Sheridan	145,537
Clinton	230	Johnston	594	Sioux	52,849
Columbia	378	Jones	12	Slope	95,476
		Lee	1,878	Stark	174,813
				Steele	103,982
				Stutsman	279,700

No. 18—2

SOUTH CAROLINA		SOUTH DAKOTA—Continued		TENNESSEE—Continued	
	Acres		Acres		Acres
Abbeville	4,636	Shannon	15,894	Stewart	2,259
Aiken	3,242	Spink	243,919	Sullivan	11,655
Allendale	39	Stanley	9,923	Sumner	15,114
Anderson	9,416	Sully	50,027	Tipton	299
Bamberg	431	Todd	13,136	Trousdale	2,423
Barnwell	535	Tripp	56,804	Unicoi	1,028
Calhoun	763	Turner	7,064	Union	2,007
Cherokee	5,107	Union	13,737	Van Buren	134
Chester	2,067	Walworth	83,536	Warren	2,780
Chesterfield	3,645	Washabaugh	15,874	Washington	12,703
Clarendon	219	Washington	4,839	Wayne	542
Colleton	56	Yankton	9,273	Weakley	611
Darlington	2,934	Ziebach	27,237	White	1,643
Dillon	924			Williamson	13,510
Edgefield	2,446			Wilson	9,224
Fairfield	1,469				
Florence	648				
Greenville	6,680				
Greenwood	3,112				
Hampton	48				
Kershaw	1,433				
Lancaster	1,232				
Laurens	4,927				
Lee	2,616				
Lexington	6,496				
McCormick	1,127				
Marion	259				
Marlboro	1,238				
Newberry	5,250				
Oconee	2,469				
Orangeburg	3,910				
Pickens	3,163				
Richland	1,985				
Saluda	5,544				
Spartanburg	12,812				
Sumter	1,429				
Union	1,743				
York	4,796				
SOUTH DAKOTA		TENNESSEE		TEXAS	
	Acres		Acres		Acres
Armstrong	1	Anderson	921	Archer	19,576
Aurora	36,022	Bedford	9,467	Armstrong	86,595
Beadle	85,496	Benton	228	Bailey	10,371
Bennett	46,523	Biedsoe	1,717	Bandera	341
Bon Homme	19,905	Blount	7,286	Baylor	30,852
Brookings	6,779	Bradley	2,371	Bell	6,773
Brown	219,818	Campbell	988	Bexar	784
Brule	30,503	Cannon	2,530	Blanco	495
Buffalo	4,018	Carroll	178	Borden	574
Butte	8,406	Carter	3,299	Bosque	10,232
Campbell	92,079	Cheatham	2,622	Briscoe	40,907
Charles Mix	56,503	Chester	88	Brown	16,473
Clark	60,951	Clalborne	4,352	Burnet	1,303
Clay	6,816	Clay	791	Callahan	9,401
Codington	43,903	Cocke	7,167	Carson	157,528
Corson	104,021	Coffee	3,995	Castro	181,914
Custer	7,819	Crockett	577	Childress	14,793
Davison	17,845	Cumberland	182	Clay	20,431
Day	109,066	Davidson	3,159	Coke	476
Deuel	14,668	Decatur	19	Coleman	11,206
Dewey	42,523	De Kalb	3,908	Collin	30,297
Douglas	24,722	Dickson	2,311	Collingsworth	5,107
Edmunds	115,569	Dyer	1,657	Comal	303
Fall River	21,239	Fayette	111	Comanche	6,115
Faulk	89,568	Fentress	394	Concho	7,458
Grant	46,305	Franklin	5,743	Cooke	33,391
Gregory	21,035	Gibson	861	Coryell	6,805
Haakon	31,004	Giles	4,713	Cottle	3,827
Hamlin	22,963	Grainger	3,910	Crosby	37,215
Hand	85,461	Greene	22,162	Dallam	54,146
Hanson	24,572	Grundy	1,130	Dallas	17,672
Harding	22,409	Hamblen	5,143	Dawson	1,531
Hughes	17,699	Hamilton	1,309	Deaf Smith	272,832
Hutchinson	46,161	Hancock	2,421	Delta	8
Hyde	23,675	Hardeman	134	Denton	43,087
Jackson	15,964	Hardin	34	Dickens	10,818
Jerauld	29,544	Hawkins	7,913	Donley	10,453
Jones	33,038	Haywood	236	Eastland	3,833
Kingsbury	26,722	Henderson	41	Ellis	7,052
Lake	4,184	Henry	2,086	Erath	3,486
Lawrence	5,517	Hickman	1,345	Falls	112
Lincoln	2,040	Houston	577	Fannin	5,932
Lyman	56,352	Humphreys	2,137	Fisher	5,275
McCook	14,271	Jackson	1,576	Floyd	158,356
McPherson	111,592	Jefferson	9,323	Foard	41,038
Marshall	72,931	Johnson	2,748	Garza	428
Meade	56,127	Knox	3,815	Gillespie	3,419
Mellette	24,103	Lake	52	Gray	98,784
Miner	19,153	Lauderdale	723	Grayson	27,253
Minnehaha	2,251	Lawrence	2,570	Hale	174,889
Moody	1,153	Lewis	369	Hall	755
Pennington	54,967	Lincoln	9,154	Hamilton	8,092
Perkins	88,659	Loudon	4,561	Hansford	190,322
Potter	54,941	McMinn	5,660	Hardeman	43,911
Roberts	83,527	McNairy	15	Hartley	79,036
Sanborn	29,475	Macon	1,985	Haskell	23,334
		Madison	136	Hays	8
		Marion	509	Hemphill	21,755
		Marshall	8,323	Hill	2,720
		Maury	14,338	Hockley	513
		Meigs	2,088	Hood	970
		Monroe	6,308	Howard	1,742
		Montgomery	6,730	Hunt	657
		Moore	1,584	Hutchinson	59,476
		Morgan	198	Irion	22
		Obion	6,237	Jack	7,533
		Overton	2,056	Johnson	3,398
		Perry	64	Jones	16,058
		Pickett	1,275	Kaufman	356
		Polk	947	Kendall	5,900
		Putnam	1,903	Kerr	764
		Rhea	1,497	King	3,479
		Roane	2,003	Knox	1,097
		Robertson	17,577	Lamar	15,715
		Rutherford	8,026	Lamb	46
		Scott	40	Lampasas	26,451
		Squatchie	637	Limestone	2,146
		Sevier	7,337		11
		Shelby	153		
		Smith	6,477		

TEXAS—Continued

	Acres
Lipscomb	105,757
Lubbock	21,224
Lynn	4,449
McCulloch	3,741
McLennan	8,037
Martin	491
Medina	633
Menard	266
Milam	4
Mills	2,558
Mitchell	1,247
Montague	1,446
Moore	108,661
Motley	1,570
Navarro	216
Nolan	9,103
Ochiltree	223,868
Oldham	66,933
Palo Pinto	6,733
Parker	5,291
Parmer	105,247
Pecos	12
Potter	29,311
Rains	10
Randall	163,983
Roberts	27,979
Rockwall	84
Runnels	10,751
San Saba	891
Scurry	4,589
Shackelford	5,677
Sherman	184,390
Somervell	370
Stephens	12,967
Sterling	193
Stonewall	5,476
Swisher	191,999
Tarrant	11,056
Taylor	12,811
Throckmorton	13,599
Tom Green	5,019
Uvalde	48
Wheeler	12,084
Wichita	33,601
Wilbarger	23,384
Wise	11,219
Young	23,061

UTAH

Beaver	812
Box Elder	68,381
Cache	31,480
Carbon	760
Daggett	167
Davis	2,806
Duchesne	3,435
Emery	3,725
Garfield	564
Grand	52
Iron	793
Juab	16,077
Kane	252
Millard	7,763
Morgan	1,452
Plute	681
Rich	1,504
Salt Lake	15,189
San Juan	3,904
Sanpete	9,741
Sevier	4,233
Summit	1,190
Tooele	5,741
Uintah	3,428
Utah	17,361
Wasatch	1,054
Washington	1,477
Wayne	819
Weber	4,883

VIRGINIA

Accomac	714
Albemarle	5,474
Alleghany	1,108
Amelia	4,020
Amherst	4,057
Appomattox	4,449
Arlington	31
Augusta	36,643
Bath	1,721
Bedford	11,028
Bland	2,382
Botetourt	5,514
Brunswick	2,862
Buchanan	453
Buckingham	5,306
Campbell	7,572

VIRGINIA—Continued

Caroline	6,480
Carroll	4,397
Charles City	1,031
Charlotte	5,860
Chesterfield	1,295
Clarke	8,607
Craig	1,664
Culpeper	7,746
Cumberland	3,427
Dickenson	605
Dinwiddie	2,288
Elizabeth City	73
Essex	4,050
Fairfax	3,863
Fauquier	12,982
Floyd	4,509
Fluvanna	3,033
Franklin	12,284
Frederick	9,773
Giles	3,016
Gloucester	1,181
Goochland	3,312
Grayson	4,209
Greene	2,961
Greensville	256
Halifax	10,081
Hanover	5,438
Henrico	1,750
Henry	3,434
Highland	1,012
Isle of Wight	49
James City	151
King and Queen	2,314
King George	2,455
King William	2,404
Lancaster	1,175
Lee	4,035
Loudoun	20,237
Louisa	5,923
Lunenburg	3,312
Madison	6,316
Mathews	229
Mecklenburg	5,293
Middlesex	1,240
Montgomery	5,489
Nansemond	135
Nelson	3,573
New Kent	450
Norfolk	295
Northampton	92
Northumberland	3,580
Nottoway	2,631
Orange	6,712
Page	9,158
Patrick	3,495
Pittsylvania	19,088
Powhatan	2,216
Prince Edward	3,755
Prince George	1,150
Prince William	6,506
Princess Anne	220
Pulaski	6,207
Rappahannock	2,338
Richmond	4,418
Roanoke	2,964
Rockbridge	13,866
Rockingham	30,998
Russell	6,082
Scott	4,840
Shenandoah	15,109
Smyth	5,823
Southampton	51
Spotsylvania	4,146
Stafford	1,985
Surry	59
Sussex	200
Tazewell	3,624
Warren	5,509
Warwick	137
Washington	11,764
Westmoreland	5,584
Wise	401
Wythe	8,907
York	78

WASHINGTON

Adams	228,048
Asotin	24,958
Benton	29,519
Chelan	1,339
Clallam	217
Clark	1,718
Columbia	62,979
Cowlitz	208
Douglas	115,492
Ferry	1,722

WASHINGTON—Continued

Franklin	75,519
Garfield	56,456
Grant	91,200
Grays Harbor	418
Island	1,866
Jefferson	95
King	62
Kitsap	39
Kittitas	10,027
Klickitat	44,759
Lewis	3,258
Lincoln	270,692
Mason	70
Okanogan	20,096
Pacific	33
Pend Oreille	871
Pierce	219
San Juan	672
Skagit	1,008
Skamania	15
Snohomish	223
Spokane	104,133
Stevens	14,133
Thurston	507
Walla Walla	156,546
Whatcom	1,019
Whitman	335,880
Yakima	25,138

WEST VIRGINIA

Barbour	1,944
Berkeley	10,626
Boone	67
Braxton	2,657
Brooke	415
Cabell	1,044
Calhoun	1,046
Clay	492
Doddridge	486
Fayette	770
Gilmer	873
Grant	2,710
Greenbrier	6,243
Hampshire	3,775
Hancock	538
Hardy	4,126
Harrison	1,253
Jackson	3,061
Jefferson	17,196
Kanawha	625
Lewis	1,054
Lincoln	1,215
Logan	49
Marion	1,062
Marshall	2,820
Mason	4,819
Mercer	3,331
Mineral	1,401
Monongalia	956
Monroe	6,340
Morgan	2,575
Nicholas	1,565
Ohio	928
Pendleton	3,852
Pleasants	364
Pocahontas	1,530
Preston	3,394
Putnam	2,136
Raleigh	424
Randolph	1,082
Ritchie	1,053
Roane	2,342
Summers	2,813
Taylor	330
Tucker	260
Tyler	687
Upshur	1,326
Wayne	735
Webster	192
Wetzel	2,004
Wirt	631
Wood	2,026
Wyoming	69

WISCONSIN

Adams	181
Ashland	238
Barron	1,244
Bayfield	919
Brown	1,309
Buffalo	1,705
Burnett	985
Calumet	2,394
Chippewa	683
Clark	341
Columbia	1,913

WISCONSIN—Continued

	Acres
Crawford	883
Dane	2,771
Dodge	2,791
Door	3,617
Douglas	520
Dunn	2,805
Eau Claire	1,511
Florence	47
Fond du Lac	1,777
Forest	131
Grant	1,230
Green	458
Green Lake	1,266
Iowa	766
Iron	85
Jackson	1,498
Jefferson	2,384
Juneau	409
Kenosha	1,419
Keweenaw	2,457
LaCrosse	677
Lafayette	497
Langlade	95
Lincoln	80
Manitowoc	1,950
Marathon	1,204
Marinette	887
Marquette	339
Milwaukee	501
Monroe	874
Oconto	1,190
Oneida	58
Outagamie	799
Ozaukee	924
Pepin	1,307
Pierce	4,979
Polk	2,858
Portage	714
Price	65
Racine	1,351
Richland	751
Rock	2,785
Rusk	230
St. Croix	3,827
Sauk	2,817
Sawyer	80
Shawano	1,846
Sheboygan	1,885
Taylor	149
Trempealeau	3,651
Vernon	1,158
Vilas	58
Walworth	1,487
Washburn	155
Washington	2,427
Waukesha	1,551
Waupaca	897
Waushara	637
Winnebago	1,639
Wood	167

WYOMING

Albany	697
Big Horn	4,029
Campbell	37,463
Carbon	1,403
Converse	12,483
Crook	25,855
Fremont	5,167
Goshen	65,821
Hot Springs	1,251
Johnson	6,259
Laramie	48,455
Lincoln	2,620
Natrona	230
Niobrara	11,987
Park	3,994
Platte	27,301
Sheridan	25,860
Sublette	33
Sweetwater	361
Teton	307
Uinta	970
Washakie	587
Weston	19,685

Done at Washington, D. C., this 25th day of January, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-276; Filed, January 25, 1939;
12:41 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

National Bituminous Coal Commission.

[Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (H), OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS TO BE ESTABLISHED BY THE COMMISSION

AN ORDER PROPOSING RULES AND REGULATIONS TO REQUIRE THE MAINTENANCE AND OBSERVANCE OF THE PRICES AND MARKETING RULES AND REGULATIONS BY DISTRIBUTORS, AND NOTICE OF RESUMPTION OF HEARING

Whereas, A hearing¹ in the above-entitled proceeding was held before the National Bituminous Coal Commission in the City of Washington, D. C., on the 25th day of April, 1938, to the 5th day of May, 1938, both dates inclusive, on which latter date said hearing was continued to the 27th day of June, 1938, and thereafter, on the 10th day of June, 1938, continued indefinitely, to be resumed upon further notice by the Commission, and

Whereas, Said hearing was continued for the purpose of receiving further evidence relating to the subject matter thereof, and to permit the cross-examination of certain witnesses who testified as to the cost of distributing coal, after the individual cost returns made by producers of bituminous coal had been made available for inspection, and

Whereas, Upon the resumption of said hearing the Commission will propose rules and regulations for the maintenance and observance by distributors in the resale of coal, of the prices and marketing rules and regulations to be established by the Commission, which proposed rules and regulations are attached hereto and by this reference made a part hereof.

Now, therefore, Pursuant to the provisions of the Bituminous Coal Act of 1937, the National Bituminous Coal Commission hereby orders and directs:

1. That the hearing in the above-entitled matter be resumed, and Notice is hereby given that the Commission will, on the 31st day of January, 1939, at the hour of 10 o'clock, a. m., in the Hearing Room of the Commission, Washington, D. C., resume said hearing for the purpose of receiving evidence relating to the aforesaid proposals, and for the purposes as set forth in the original Notice of Hearing: Provided, however, that the hearing relating to the maximum dis-

counts or price allowances that may be made by code members to distributors will be set for a time and place to be later designated by the Commission.

2. That, at said hearing, the Commission will offer, as its proposals, rules and regulations designed to require the maintenance and observance of the prices and marketing rules and regulations by distributors, and all interested parties will be afforded an opportunity to present evidence relating to the propriety and reasonableness thereof, and such other evidence as properly comes within the scope of said hearing.

3. Findings and Conclusions of the Commission to be made upon a consideration of all of the evidence adduced in Docket No. 12, as to the rules and regulations for the maintenance and observance by distributors, in the resale of coal, of the prices and marketing rules and regulations to be established by the Commission, shall not be limited to the specific proposals herein made, but such proposals shall be subject to such modifications or enlargements that may be supported or warranted from a consideration of the entire record in this Docket.

4. That the Secretary of the Commission be and he is hereby directed to cause a copy of this Order and Notice, together with a copy of the attached proposals, to be published forthwith in the FEDERAL REGISTER, and to cause copies hereof, together with said proposals, to be mailed to the Consumers' Counsel, to the Secretary of each District Board, to each code member within the several districts and to each party who has entered an appearance herein, and to cause copies hereof, together with said proposals, to be made available for inspection by interested parties at the Office of the Secretary of the Commission, Washington, D. C., and at the office of each Statistical Bureau of the Commission.

By order of the Commission.

Dated at Washington, D. C., this 16th day of January, 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

PROPOSED RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS AND FARMERS' COOPERATIVE ORGANIZATIONS

References to the Bituminous Coal Act of 1937:

Section 2 (a):

* * * Such Commission shall have the power to make and promulgate all reasonable rules and regulations for carrying out the provisions of this Act. * * *

Section 4:

The provisions of this section shall be promulgated by the Commission as the "Bituminous Coal Code", and are herein referred to as the code.

Producers accepting membership in the code as provided in Section 5 (a) shall be, and are herein referred to as code members, and the provisions of such code shall apply only to such code members, except as otherwise provided by subsection (h) of Part II of this section.

¹ 3 F. R. 657, 807, 1395 DI.

Section 4, II (h):

The Commission shall, by order, prescribe due and reasonable maximum discounts or price allowances that may be made by code members to persons (whether or not code members), herein referred to as "distributors", who purchase coal for resale and resell it in not less than cargo or railroad carload lots; and shall require the maintenance and observance by such persons, in the resale of such coal, of the prices and marketing rules and regulations established under this section.

The following practices with respect to coal (Sec. 4, II (i) Number 11 and Number 12) shall be unfair methods of competition and shall constitute violations of the code:

Section 4, II (i) No. 11:

Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

Section 4, II (i) No. 12:

Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers, whereby they or any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this Act.

Section 4, II (i) No. 13—second paragraph:

It shall not be an unfair method of competition or a violation of the code or any requirement of this Act (1) to sell to or through any bona-fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members; (2) to sell through any intervening agency to any such cooperative organization; or (3) to pay or allow to any such cooperative organization or to any such intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by the code to be paid or allowed, to other purchasers for purchases in wholesale or middle-man quantities.

Pursuant to the foregoing provisions of said Act, the National Bituminous Coal Commission hereby proposes the following rules and regulations for registration of "distributors" as defined in Section 4, Part II (h) of said Act:

I. Meaning of terms—as used in these regulations:

1. The term "person" as used herein, includes individuals, firms, associations, partnerships, corporations, trusts, trustees, cooperatives, receivers and trustees in bankruptcy and in other legal proceedings, and any other recognized forms of business organizations.

2. "Distributor" means a person who purchases coal for resale and resells it in not less than cargo or railroad carload lots.

3. "Registered Distributor" means a distributor who has been duly registered

by the Coal Commission pursuant to the rules and regulations prescribed by the Coal Commission for the administration of Section 4, II (h) of the Act.

4. A "Farmers' Cooperative Organization" is a bona fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States, and which purchases coal for resale and resells it in not less than cargo or railroad carload lots, whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members.

5. "Distributor's Discount" means the discount or price allowance from minimum prices that may be made by a code member to a registered distributor pursuant to the rules and regulations prescribed by the Coal Commission for the administration of Section 4, II (h) of the Act.

6. "Registration" means registration with the Coal Commission pursuant to these rules and regulations.

7. "Carload lot" means a quantity of coal equivalent in tonnage to not less than the minimum carload weight specified for the loading of bituminous coal, at carload rates, as provided in the official effective tariffs of rail carriers at the point of origin or at the rail shipping point nearest the mine where the coal is produced, except that on coal re-shipped overland from docks, or from unloading facilities at water transshipment points, or from inland storage points, the minimum weight per carload lot shall be not less than the minimum carload as prescribed in effective tariffs of railroads applicable from such re-shipping points: *Provided, however,* That when coal is delivered in such lots in vehicles of insufficient capacity to transport an entire carload-lot quantity in one transaction, the distributor's vendee must stand ready to accept delivery of an entire carload-lot quantity, as if the delivery were to be made in a single vehicle, but in no event shall delivery be continued over a period longer than is reasonably necessary to accomplish such delivery in a continuous flow.

8. "Limited Registered Distributor" means a distributor whose application for registration as a registered distributor has not been granted by the Coal Commission but who has been granted a limited registration in a particular purchase and resale of coal.

9. "Cargo lot" means a quantity of coal not less than a "carload lot" as defined herein, which is loaded for transportation by vessel, boat or barge.

10. A "dock" is physical property located on or adjacent to navigable water and which property is used in the distribution of coal in commerce or for delivery to commerce carriers, and at which coal is stored, handled or transferred from or to transportation conveyances.

11. "Resale," as herein applied to a distributor, means an agreement whereby the distributor transfers the ownership

in coal to a single vendee for a consideration in terms of price.

12. "Retailing" as used herein means the selling of coal in less than cargo or railroad carload lots.

Registered Distributor

I. Registration of Distribution:

1. Any person desiring registration with the Coal Commission as a "distributor" shall apply to the Coal Commission for registration (upon form No. — provided by the Coal Commission), and upon approval of its application shall be registered and designated by the Coal Commission as a "registered distributor."

2. The application to be filed for registration as a distributor shall be duly verified and shall, among other things, set forth:

(a) The name of the application and the name under which the business is conducted.

(b) The address of the applicant's principal place of business, together with the address of each branch office, yard, dock or other storage facility.

(c) The form of organization of applicant's business, whether corporate, partnership, cooperative organization, individual, or other form, indicating the State and year in which incorporated, if a corporation, or the year in which the business was organized, if unincorporated.

(d) If applicant is a partnership, the names and addresses of all partners interested therein; if a corporation or other organization, (1) the names and addresses of all officers, directors, and managers, specifying the shares of stock owned and the office held by each; (2) the names and addresses of stockholders individually owning more than 5% of the outstanding stock, the amount held by each, and also of any other persons indirectly or beneficially interested in the ownership of applicant; (3) the names and addresses of all other parties in interest, such as bondholders, noteholders, etc., where such information is in the possession of the applicant. If a cooperative organization, the number of members.

(e) The total tonnage of bituminous coal handled by the applicant for the years 1937 and 1938, and the manner in which handled.

(f) A statement of the applicant's affiliation, if any, with any coal producer, transporter, processor, distributor, retailer, or consumer of coal; showing the extent of ownership in or by affiliated companies, the nature of the affiliate's business and transactions with affiliate during the years 1937 and 1938.

(g) A statement as to whether the applicant has since April 26, 1937 engaged, or now engages or intends to engage in the sale, resale or delivery of coal in less than cargo or railroad carload lots, and the volume of such transactions since such date by months for the years 1937 and 1938.

(h) A schedule of the coal handled by applicant during the years 1937 and 1938, giving the name and address of, and tonnage sold to, each person who received 5% or more of the tonnage handled and each person who received in excess of 10,000 net tons in each of said years, and in the case of a railroad, those receiving in excess of 500 net tons in each of said years, designating whether "on line" or "off line" tonnage.

II. Terms of "Agreement by Registered Distributor":

Each application must be accompanied by "Agreement by Registered Distributor" hereinafter set forth, properly signed and acknowledged:

1. On behalf of a corporation, by a principal officer of the corporation duly authorized to act.

2. On behalf of a partnership, by any partner.

3. On behalf of an individual, by the applicant or his attorney duly authorized to act.

4. In the case of any other form of business organization, by a person or persons legally authorized to execute an application on behalf of the applicant.

"Agreement by Registered Distributor":

The undersigned distributor agrees, upon being registered as a "Registered Distributor" by the Coal Commission for the purpose of qualifying to receive distributors' discounts established by the Coal Commission:

(a) Not to accept or receive any distributor's discount in excess of that prescribed by the Coal Commission.

(b) Not to sell, deliver, resell, or offer for sale any coal at a price less than the minimum or greater than the maximum established by the Coal Commission, except where authorized to do so by orders or established marketing rules and regulations of the Coal Commission.

(c) Not to violate the provisions of Section 4, II (i) of the Bituminous Coal Act of 1937 relating to "unfair methods of competition" as hereinafter set forth under "Miscellaneous Provisions Affecting Distributors and 'Unfair Methods of Competition'" of these rules: *Provided, however,* That it shall not be considered a violation of the provisions of said Section 4, II (i) for a registered distributor to resell coal to a registered farmers' cooperative organization distributor at not less than the established minimum price for sale to a registered distributor.

(d) Not to accept or retain a distributor's discount on coal unless such coal is purchased for bona fide resale and is actually resold in not less than cargo or railroad carload lots; nor where the coal is resold to any person who owns such distributor or who financially or otherwise controls such distributor, except in a case where the Coal Commission has determined that such ownership or control is bona fide, is not established primarily to secure an indirect

price reduction, and is not within the prohibition of paragraphs 11 and 12 of Section 4 Part II (i) of the Act, as hereinafter set forth under "Miscellaneous Provisions Affecting Distributors and 'Unfair Methods of Competition'" of these rules.

(e) To abide by the marketing rules and regulations from time to time established by the Coal Commission and all pertinent orders of the Coal Commission.

(f) To furnish or cause to be furnished to the Coal Commission at any time upon its direction a copy of every resale contract or order, a copy of each invoice to distributor's vendee, together with a copy of each credit memorandum, and such other information concerning the sale and distribution of coal, the cost and profit of selling and the distributor's financial relations with affiliated producers and consumers as the Coal Commission may require.

(g) Not to accept any distributor's discount on transactions wherein no service of value is rendered to the code member or where the transaction is entered into primarily for the purpose of enriching the distributor, and when except for the incidence of Section 4, II (h) of the Act, the consumer would purchase direct from a code member and the payment of a distributor's discount on such transaction would create unfair competition.

III. Certificate of Registration:

After receipt of any such application for registration as distributor, upon a determination by it (whether from the application or after hearing held for such purpose) that the applicant is a bona fide merchant, actively, regularly and continuously engaged in the business of purchasing coal and reselling the same in cargo or railroad carload lots, in substantial volume, that such business constitutes a major activity of applicant and that the applicant is, therefore, entitled to registration, and provided that the applicant agrees to maintain and observe the prices and marketing rules and regulations established by the Coal Commission and the Terms of "Agreement by Registered Distributor" herein provided, the Coal Commission shall approve such application and shall register such person as a registered distributor and shall issue to the applicant a certificate of registration. The Coal Commission shall promptly notify each district board of such registration and shall publish from time to time a list of registered distributors, which list shall be amended from time to time as the Coal Commission may direct, to show additions, withdrawals or removals.

IV. Penalties—Revocation and Suspension:

1. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a registered distributor has violated the

rules and regulations prescribed or orders made by the Coal Commission governing the resale of code members' coals by such registered distributor.

The registration of such distributor may be revoked, or, in the discretion of the Coal Commission, suspended for such period of time as it may deem proper, after hearing held upon reasonable notice and upon proof that such registered distributor has either failed or refused to comply with the requirements of the Act or Coal Commission orders or its marketing rules and regulations, or where such distributor has violated any of the Terms of "Agreement by Registered Distributor" herein provided.

2. Where registration is granted to a distributor upon its false or misleading statements or failure to state material facts affecting its application for registration, the Coal Commission may, after hearing held upon reasonable notice to such distributor, revoke such registration and any discounts paid during the effective period of such registration shall be recoverable by the code member vendor or vendors of such distributor.

3. Where the registration of a corporation, or its wholly-owned affiliate, is revoked or suspended, the affiliate of the offending distributor, whether parent company or subsidiary, may after hearing held upon reasonable notice be suspended by the Coal Commission for such period as it deems proper, upon satisfactory proof that either of such affiliated companies secured registration for the purpose of evading the Act or regulations adopted thereunder, or that the affiliate of the offending distributor is being used for the purpose of nullifying or rendering ineffective any penalty that has been imposed upon the offending distributor.

4. Upon the revocation or suspension of any registration the Coal Commission shall publish, for the information of code members, a notice of the removal of the name of such distributor from the list of registered distributors previously published by the Coal Commission and shall notify each District Board of such action.

V. Reinstatement after Suspension:

Where a registered distributor has been suspended by the Coal Commission for any period of time, he shall submit at least five days prior to the expiration of such suspension period to the Secretary of the Coal Commission an affidavit to the effect that during the period of his suspension, said distributor has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discount which registered distributors are entitled to receive by virtue of registration.

VI. Successors of Registered Distributors:

Upon the death of a registered distributor or sale or other disposal of his business, his successor in interest or

legal representative shall, within thirty days from the date of said death or disposal, apply to the Coal Commission for registration; otherwise the registration of such distributor shall expire.

Upon filing such application within the time above prescribed, the existing registration shall automatically continue until the application either be granted or denied by the Coal Commission.

Registration of Farmers' Cooperative Organization Distributors

I. Any farmers' cooperative organization desiring registration under the Coal Commission as a farmers' cooperative organization distributor shall apply to the Coal Commission for registration and upon approval of its application shall be registered and designated by the Coal Commission as a "Registered Farmers' Cooperative Organization Distributor."

II. The application to be filed for registration as a farmers' cooperative organization distributor shall be duly verified and shall among other things set forth:

A. The name of the applicant, the address of applicant's principal place of business (together with the address of each branch office, yard, dock, or other storage facility), date of organization, and the names and post office addresses of the officers and directors, or if unincorporated the names and addresses of the person or persons in the management and control of such organization.

B. The form of organization (incorporated or unincorporated) of applicant's business with a reference to the law or laws under which such organization was formed and in accordance with which it carries on its business.

C. A statement setting forth the territory in which the applicant operates or proposes to operate.

D. A statement showing the amount of business handled by the applicant for its members and the amount of business, if any, handled for nonmembers in the years 1937 and 1938; also, the amount of bituminous coal purchased for resale and resold by applicant to its members and the amount, if any, sold to nonmembers, in not less than cargo or railroad carload lots in the calendar years 1937 and 1938; also, the amount of bituminous coal purchased and used or resold by applicant to its members in less than cargo or railroad carload lots, and the amount of bituminous coal, if any, purchased and resold by applicant to nonmembers in less than cargo or railroad carload lots.

E. A certified copy of the articles of association or of incorporation of the applicant, including any amendments which may have been made thereto prior to date of application for registration.

F. A certified copy of the current by-laws of the applicant, if any.

G. A statement defining the purposes for which applicant's organization is formed and a statement that the applicant is conducting its business in conformity with the legal requirements of the laws under which it is formed.

H. A financial statement of the applicant showing its financial condition as of January 1, 1939.

III. Terms of "Agreement by Registered Farmers' Cooperative Organization Distributor."

Each application must be accompanied by "Agreement by Registered Farmers' Cooperative Organization Distributor," hereinafter set forth, properly signed and acknowledged:

1. If applicant is incorporated, by a principal officer of the corporation duly authorized to act.

2. If applicant is unincorporated, by a duly authorized agent.

"Agreement by Registered Farmers' Cooperative Organization Distributor"

The undersigned farmers' cooperative organization distributor agrees, upon being registered as a "Registered Farmers' Cooperative Organization Distributor" by the Coal Commission for the purpose of qualifying to receive distributor's discounts established by the Coal Commission:

(a) Not to accept or receive any distributor's discount in excess of that prescribed by the Coal Commission.

(b) Not to sell, deliver, resell, or offer for sale any coal at a price less than the minimum or greater than the maximum established by the Coal Commission except where authorized to do so by orders or established marketing rules and regulations of the Coal Commission.

(c) Not to violate the provisions of Section 4, II (i) of the Bituminous Coal Act of 1937 relating to "unfair methods of competition" as hereinafter set forth under "Miscellaneous Provisions Affecting all Distributors and 'Unfair Methods of Competition'" of these rules: *Provided, however*, That in the case of a bona fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States, and otherwise qualified as a distributor within the meaning of Section 4, II (h) of the Act, it shall not be considered a violation of the provisions of Section 4, II (i) of the Bituminous Coal Act of 1937, relating to "unfair methods of competition," for such farmers' cooperative organization to grant rebates, discounts, patronage dividends, or other similar benefits to its members, if the granting of such benefits is authorized by the law under which such organization is chartered.

(d) Not to accept or retain a distributor's discount on coal unless such coal is purchased for bona fide resale and is actually resold in not less than cargo or railroad carload lots in conformity with the rules and regulations and orders of the Coal Commission.

(e) To abide by the marketing rules and regulations from time to time established by the Coal Commission, and all pertinent orders of the Coal Commission.

(f) To furnish to and file with the Coal Commission a certified copy of any change or modification of applicant's articles of incorporation or association, and any change or modification in the by-laws governing applicant's business in case any such change or modification is made in the future after applicant has filed application for registration, and to furnish or cause to be furnished to the Coal Commission at any time upon its direction a copy of every resale contract or order, a copy of each invoice to distributor's vendee, together with a copy of each credit memorandum, and such other information as to sales of coal made by applicant as the Coal Commission may require.

IV. Certificate of Registration:

After receipt of any such application, the Coal Commission, upon a determination (whether from the application or after hearing held for such purpose) that the applicant is a bona fide and legitimate farmers' cooperative organization distributor, entitled to registration, and agrees to observe the prices and marketing rules and regulations established by the Coal Commission, shall approve such application and shall register such applicant as a registered farmers' cooperative organization distributor, and shall issue to the applicant a certificate of registration. The Coal Commission shall promptly notify each District Board of such registration and shall furnish from time to time a list of registered farmers' cooperative organization distributors, which list shall be amended from time to time as the Coal Commission may direct to show additions, withdrawals, or removals.

V. Penalties—Revocation and Suspension:

1. At any time upon complaint or upon its own motion, the Coal Commission may investigate and determine whether a registered farmers' cooperative organization distributor has violated the rules and regulations prescribed or orders made by the Coal Commission governing the resale of code members' coals by such registered farmers' cooperative organization distributor, or the terms of agreement by registered farmers' cooperative organization distributor.

The registration of such registered farmers' cooperative organization distributor may be revoked, or, in the discretion of the Coal Commission, suspended for such period of time as it may deem proper, after hearing held upon reasonable notice and upon proof that such registered distributor has either failed or refused to comply with the requirements of the Act, the Coal Commission orders or marketing rules and regulations, or the terms of agreement of registered farmers' cooperative organization distributor.

2. Where registration is granted to a farmers' cooperative organization distributor upon its false or misleading statements or failure to state material

facts affecting its application for registration, the Coal Commission may, after hearing held upon reasonable notice to such farmers' cooperative organization distributor, revoke such registration and any discounts paid during the effective period of such registration shall be recoverable by the code member vendor or vendors of such farmers' cooperative organization.

3. Upon the revocation or suspension of any registration, the Coal Commission shall publish a notice of the removal of the name of such farmers' cooperative organization distributor from the list of registered farmers' cooperative organization distributors previously published by the Coal Commission and shall notify each District Board of such action.

VI. Reinstatement after Suspension:

When a registered farmers' cooperative organization distributor has been suspended by the Coal Commission for any period of time, it shall submit at least five days prior to the expiration of such suspension period to the Secretary of the Coal Commission an affidavit to the effect that during the period of its suspension said farmers' cooperative organization distributor has neither directly nor indirectly transacted business as a registered farmers' cooperative organization distributor, nor received nor been promised any discount which registered farmers' cooperative organization distributors are entitled to receive by virtue of registration.

Limited Registration

I. Limited Registration Certificates:

A distributor, whose application to the Coal Commission for registration as a registered distributor has not been approved by the Coal Commission upon Form No. _____, provided by the Coal Commission, may from time to time make application to the Coal Commission for a limited registration certificate to cover specific purchases of coal by the applicant and the resale thereof in not less than cargo or railroad carload lots. Such application shall be executed in triplicate and shall be submitted to the Coal Commission at Washington, D. C. for its approval and shall, among other things, set forth:

(a) The name of the applicant and the name under which the business is conducted.

(b) The address of his principal place of business and the nature of his business.

(c) The date on which applicant filed with the Coal Commission his application for registration as a registered distributor.

(d) The name and address of the code member from whom the coal is to be purchased.

(e) The name or number of the mine from which the coal is to be supplied, the number of the district in which it is

located, and the tonnage involved in the transaction.

(f) The name of the customer to whom the applicant proposes to resell the coal, together with the destination of the coal, the method of conveyance, the use to which it is to be put, and the nature of the customer's business.

(g) The proposed purchase price of the coal and the proposed resale price to the customer, both f. o. b. mine; also amount of discount to be allowed applicant.

(h) A statement as to whether or not the applicant for a limited registration certificate has previously sold any coal to the customer named in the application, and, if so, the details of such sales made during the years 1937 and 1938, including date of sale, quantity of coal involved and period of delivery.

(i) A statement as to whether or not any officer, director, stockholder or employee of applicant or the applicant, himself, is related to the customer or any officer, director, stockholder or employee of the customer; and whether or not any officer, director, stockholder or employee of the applicant or the applicant, himself, owns any stock or has any other financial interest in the customer. Conversely, a statement as to whether the customer or any of its officers, directors, stockholders or employees own any stock in or have any financial connection with the business of the applicant.

(j) A statement to the effect that on the particular transaction covered by the application the applicant will observe the minimum prices, the Marketing Rules and Regulations, the provisions relating to the "Unfair Methods of Competition," and all pertinent orders of the Coal Commission, then in effect.

(k) A statement that applicant will not accept any distributor's discount on transactions wherein no service of value is rendered to the code member or where the transaction is entered into primarily for the purpose of enriching the distributor, and when except for the incidence of Section 4, II (h) of the Act, the consumer would purchase direct from a code member and the payment of a distributor's discount on such transaction would create unfair competition.

Provided further, That each application for a limited registration certificate shall be properly executed and verified:

1. On behalf of a corporation, by an officer of the corporation duly authorized to act.

2. On behalf of a partnership, by any partner.

3. On behalf of an individual, by the applicant or his attorney, duly empowered for that purpose.

4. In the case of any other form of business organization, by any person duly authorized to execute an application on behalf of applicant.

All such applications for a limited registration certificate shall be considered

by the Coal Commission with reasonable dispatch.

Upon a determination by the Coal Commission (whether from the application or after hearing held for such purpose) that the transaction covered by the application would constitute a legitimate and essential service to the code member in connection with the bona fide distribution of his coal and that it otherwise conforms to the requirements and intent of Section 4 II (h) of the Act, as well as to the Marketing Rules and Regulations and to the applicable orders of the Coal Commission at that time in effect, the Coal Commission may approve such application for a limited registration certificate.

In the event that such application is approved, two copies of the certificate shall be returned to the applicant, who shall transmit one copy to the code member from whom the coal is purchased, which copy shall be attached by such code member to the invoice covering the transaction and filed with the Statistical Bureau of the Coal Commission in the district wherein the shipping mine is located. The distributor shall file with such Statistical Bureau a copy of the invoice to his customer, attaching thereto the original of the limited registration certificate. Where the application has been denied, one copy thereof shall be retained by the Coal Commission for its file, another copy shall be sent to the appropriate Statistical Bureau of the Coal Commission, and the original shall be returned to the applicant.

II. Suspension of Limited Registered Distributor:

Where a distributor who receives a limited registration certificate violates the provisions of the Act or regulations and orders of the Coal Commission or falsely states or misrepresents a material fact in his application for such certificate, the Coal Commission may, after hearing held upon reasonable notice, suspend and bar the said offending distributor from eligibility to apply for and obtain any such certificate enabling him to receive discounts from code members for such period of time as the Coal Commission, in its discretion, may deem proper.

Miscellaneous Provisions Affecting All Distributors and "Unfair Methods of Competition"

I. Miscellaneous Provisions:

1. No distributor's discount shall be accepted by a distributor:

(a) On coal purchased by such distributor for retailing by him.

(b) On coal purchased by such distributor who is primarily engaged in the retailing of coal for resale to a person for retailing.

(c) On coal purchased by such distributor for resale to any person who owns such distributor or who financially or otherwise controls such distributor; *Provided, however*, That a distributor's

discount may nevertheless be allowed and accepted in a case where the Coal Commission has determined that such ownership or control is bona fide, is not established primarily to secure an indirect price reduction, and is not within the prohibition of paragraphs 11 and 12 of Section 4, Part II (i) of the Act as herein set forth in Section II of this section.

2. Any distributor's discount received from a code member by a registered distributor may be divided among registered distributors entitled to receive such discount.

II. "Unfair Methods of Competition":

The following unfair methods of competition, set forth in the Act, shall apply to distributors and violations thereof will subject offenders to the penalties herein provided:

1. The consignment of unordered coal, or the forwarding of coal which has not actually been sold, consigned to the producer or his agent: *Provided, however*, That coal which has not actually been sold may be forwarded, consigned to the producer or his agent at rail or track yards, tidewater ports, river ports, or lake ports, or docks beyond such ports, when for application to any of the following classes: Bunker coal, coal applicable against existing contracts, coal for storage (other than in railroad cars) by the producer or his agent in rail or track yards or on docks, wharves, or other yards for resale by the producer or his agent.

2. The adjustment of claims with purchasers of coal in such manner as to grant secret allowances, secret rebates, or secret concessions, or other price discrimination.

3. The prepayment of freight charges with intent to or having the effect of granting a discriminatory credit allowance.

4. The granting in any form of adjustments, allowances, discounts, credits, or refunds to purchasers or sellers of coal, for the purposes or with the effect of altering retroactively a price previously agreed upon, in such manner as to create price discrimination.

5. The predating or postdating of any invoice or contract for the purchase or sale of coal, except to conform to a bona-fide agreement for the purchase or sale entered into on the predate.

6. The payment or allowance in any form or by any device of rebates, refunds, credits, or unearned discounts, or the extension to certain purchasers of services or privileges not extended to all purchasers under like terms and conditions, or under similar circumstances.

7. The attempt to purchase business, or to obtain information concerning a competitor's business by concession, gifts, or bribes.

8. The intentional misrepresentation of any analysis or of analyses, or of sizes,

or the intentional making, causing, or permitting to be made, or publishing, of any false, untrue, misleading, or deceptive statement by way of advertising, invoicing, or otherwise concerning the size, quality, character, nature, preparation, or origin of any coal bought, sold, or consigned.

9. The unauthorized use, whether in written or oral form, of trade-marks, trade names, slogans, or advertising matter already adopted by a competitor, or any deceptive approximation thereof.

10. Inducing or attempting to induce, by any means or device whatsoever, a breach of contract between a competitor and his customer during the term of such contract.

11. Splitting or dividing commissions, brokers' fees, or brokerage discounts, or otherwise in any manner directly or indirectly using brokerage commissions or jobbers' arrangements or sales agencies for making discounts, allowances, or rebates, or prices other than those determined under this Act, to any industrial consumer or to any retailers, or to others, whether of a like or different class.

12. Selling to, or through, any broker, jobber, commission account, or sales agency, which is in fact or in effect an agency or an instrumentality of a retailer or an industrial consumer or of an organization of retailers or industrial consumers, whereby they are any of them secure either directly or indirectly a discount, dividend, allowance, or rebates, or a price other than that determined in the manner prescribed by this Act.

13. Employing any person or appointing any sales agent, at a compensation obviously disproportionate to the ordinary value of the service or services rendered, and whose employment or appointment is made with the primary intention and purpose of securing preferment with a purchaser or purchasers of coal.

It shall not be an unfair method of competition or a violation of the code or any requirement of this Act (1) to sell to or through any bona-fide and legitimate farmers' cooperative organization duly organized under the laws of any State, Territory, the District of Columbia, or the United States whether or not such organization grants rebates, discounts, patronage dividends, or other similar benefits to its members; (2) to sell through any intervening agency any discount, commission, rebate, or dividend ordinarily paid or allowed, or permitted by the code to be paid or allowed, to other purchasers for purchases in wholesale or middleman quantities.

By the Commission.

Dated this 16th day of January 1939.

[SEAL] F. WITCHER McCULLOUGH,
Secretary.

[F. R. Doc. 39-228; Filed, January 19, 1939;
11:43 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1938-24]

1938 AGRICULTURAL CONSERVATION PROGRAM BULLETIN

SUPPLEMENT NO. 21

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17 of the Soil Conservation and Domestic Allotment Act, as amended, the 1938 Agricultural Conservation Program Bulletin, as amended,¹ is hereby further amended as follows:

Section V, subsection A, item 6, is hereby amended to read as follows:

6. *Total soil-depleting acreage allotments.*—The following applicable rate for each acre of land classified as soil-depleting in excess of the total soil-depleting acreage allotment, less the acreages for which deductions are made under items 1 to 5, inclusive, of this subsection A: *Provided*, That the deduction specified in subdivision (c) of this item 6 shall not apply in any county in which the regional director determines that the planting of general soil-depleting crops was substantially completed prior to the time notices of total soil-depleting acreage allotments were mailed or made available to farm operators in the county.

(a) 5 times the rate of payment with respect to the wheat acreage allotment if a payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

(b) 5 times the rate of payment with respect to general soil-depleting crops if the farm is a class A farm and no payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

(c) \$4.00 per acre if the farm is a class B farm and a payment is computed for the farm under Section IV with respect to a cotton, corn, tobacco, peanut, potato, or rice acreage allotment but no payment is computed for the farm under Section IV with respect to a wheat acreage allotment.

Done at Washington, D. C., this 25th day of January, 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-286; Filed, January 26, 1939;
12:30 p. m.]

¹ 3 F. R. 3184 DL.

FEDERAL TRADE COMMISSION.

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 25th day of January, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3283]

IN THE MATTER OF LAWRENCE A. HUFFMAN, INDIVIDUALLY, AND TRADING AS PLANT N-R-G COMPANY, AND PLANT ENERGY, INC.

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Randolph Preston, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 3, 1939, at ten o'clock in the forenoon of that day (central standard time) in the Supervisor's Room, County Court House, Urbana, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-278; Filed, January 26, 1939; 10:23 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January, 1939,

[File No. 1-737]

IN THE MATTER OF TEXAS PACIFIC LAND TRUST CERTIFICATES OF PROPRIETARY INTEREST, \$100 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

The New York Stock Exchange pursuant to Section 12 (d) of the Securities

Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the Certificates of Proprietary Interest, \$100 Par Value, of Texas Pacific Land Trust; and

After appropriate notice,¹ a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on January 2, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-279; Filed, January 26, 1939; 10:58 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January 1939.

[File No. 1-2904]

IN THE MATTER OF BADGER PAPER MILLS, INC., COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

The Badger Paper Mills, Inc., pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

After appropriate notice,² a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on January 2, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-280; Filed, January 26, 1939; 10:58 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its

¹ 3 F. R. 2772 DI.
² 3 F. R. 3180 DI.

office in the City of Washington, D. C., on the 23rd day of January, 1939.

[File No. 7-366]

IN THE MATTER OF WHEELING STEEL CORPORATION \$5 CUMULATIVE CONVERTIBLE PRIOR PREFERRED STOCK

ORDER SETTING HEARING ON APPLICATION TO EXTEND UNLISTED TRADING PRIVILEGES

The Wheeling Steel Exchange, pursuant to Section 12 (f) of the Securities Exchange Act of 1934, as amended, and Rule X-12F-1 promulgated thereunder, having made application to the Commission to extend unlisted trading privileges to the \$5 Cumulative Convertible Prior Preferred Stock of Wheeling Steel Corporation; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, February 15, 1939, in Room 1101, Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Charles S. Moore, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-281; Filed, January 26, 1939; 10:58 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of January, 1939.

[File No. 1-178]

IN THE MATTER OF WELLS, FARGO & COMPANY CAPITAL STOCK, \$1 PAR VALUE

ORDER POSTPONING HEARING

The New York Stock Exchange, pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to strike from listing and

registration the Capital Stock, \$1 Par Value, of Wells, Fargo & Company; and The Commission having ordered that a hearing be held in this matter on January 27, 1939, in Washington, D. C.; and

¹4 F. R. 221 DL.

The issuer having requested a postponement of said hearing to which request said Exchange has agreed;

It is ordered, That said hearing be postponed until 10 A. M., on Tuesday, February 28, 1939, in Room 1103, 1778 Pennsylvania Avenue NW., Washington, D. C., and continue thereafter at such

times and places as may be determined by the Commission or its officer presiding at said hearing.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-282; Filed, January 26, 1939;
10:59 a. m.]

